

IC 4-12-5

Chapter 5. Indiana Health Care Trust Account

IC 4-12-5-1

"Account" defined

Sec. 1. As used in this chapter, "account" refers to the Indiana health care account established by section 3 of this chapter.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.54.

IC 4-12-5-2

"Master settlement agreement" defined

Sec. 2. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

As added by P.L.21-2000, SEC.3.

IC 4-12-5-3

Establishment and purpose of account; administration

Sec. 3. (a) The Indiana health care account is established within the Indiana tobacco master settlement agreement fund for the purpose of promoting the health of the citizens of Indiana. The account consists of:

- (1) amounts, if any, that another statute requires to be distributed to the account from the Indiana tobacco master settlement agreement fund;
- (2) appropriations to the account from other sources; and
- (3) grants, gifts, and donations intended for deposit in the account.

(b) The account shall be administered by the budget agency. Money in the account at the end of the state fiscal year does not revert to the state general fund but remains available for expenditure.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.55.

IC 4-12-5-4

Distribution of money from account

Sec. 4. Subject to appropriation by the general assembly, review by the budget committee, and approval by the budget agency, the auditor of state shall distribute money from the account to public or private entities or individuals for the implementation of programs concerning one (1) or more of the following purposes:

- (1) The children's health insurance program established under IC 12-17.6.
- (2) Cancer detection tests and cancer education programs.
- (3) Heart disease and stroke education programs.
- (4) Assisting community health centers in providing:
 - (A) vaccinations against communicable diseases, with an emphasis on service to youth and senior citizens;
 - (B) health care services and preventive measures that address the special health care needs of minorities (as

defined in IC 16-46-6-2); and

(C) health care services and preventive measures in rural areas.

(5) Promoting health and wellness activities.

(6) Encouraging the prevention of disease, particularly tobacco related diseases.

(7) Addressing the special health care needs of those who suffer most from tobacco related diseases, including end of life and long term care alternatives.

(8) Addressing minority health disparities.

(9) Addressing the impact of tobacco related diseases, particularly on minorities and females.

(10) Promoting community based health care, particularly in areas with a high percentage of underserved citizens, including individuals with disabilities, or with a shortage of health care professionals.

(11) Enhancing local health department services.

(12) Expanding community based minority health infrastructure.

(13) Other purposes recommended by the Indiana health care trust fund advisory board established by section 5 of this chapter.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.56.

IC 4-12-5-5

Advisory board

Sec. 5. (a) The Indiana health care account advisory board is established. The advisory board shall meet at least quarterly and at the call of the chairperson to make recommendations to the governor, the budget agency, and the general assembly concerning the priorities for appropriation and distribution of money from the account.

(b) The advisory board consists of the following:

(1) The following three (3) ex officio members:

(A) The director of the budget agency or the director's designee.

(B) The commissioner of the state department of health or the commissioner's designee.

(C) The secretary of family and social services or the secretary's designee.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.

(3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house.

(4) The following appointees by the governor who represent the following organizations or interests:

(A) The Indiana Dental Association.

(B) The Indiana Hospital and Health Association.

- (C) The Indiana Minority Health Coalition.
- (D) The Indiana Chapter of the American Academy of Pediatrics.
- (E) The Indiana State Medical Association.
- (F) The Indiana State Nurses Association.
- (G) The Indiana Health Care Association.
- (H) A local health officer or a rural health organization.
- (I) A primary health care organization.
- (J) A senior citizens organization.
- (K) The Indiana Chapter of the National Medical Association.
- (L) A consumer or representative of an end of life care organization, an alternative to long term care services, or a disability organization.
- (M) A psychiatrist licensed under IC 25-22.5 or a psychologist licensed under IC 25-33.

(c) The term of office of a legislative member of the advisory board is four (4) years. However, a legislative member of the advisory board ceases to be a member of the advisory board if the member:

- (1) is no longer a member of the chamber from which the member was appointed; or
- (2) is removed from the advisory board under subsection (d).

(d) A legislative member of the advisory board may be removed at any time by the appointing authority who appointed the legislative member.

(e) The term of office of a member of the advisory board appointed under subsection (b)(4) is four (4) years. However, these members serve at the pleasure of the governor and may be removed for any reason.

(f) If a vacancy exists on the advisory board with respect to a legislative member or the members appointed under subsection (b)(4), the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy for the balance of the unexpired term.

(g) The governor shall appoint a member of the advisory committee to serve as chairperson.

(h) Eleven (11) members of the advisory board constitute a quorum for the transaction of business at a meeting of the advisory board. The affirmative vote of at least eleven (11) members of the advisory board is necessary for the advisory board to take action.

(i) Each member of the advisory board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the advisory board who is a state employee

but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the advisory board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(l) Payments authorized for members of the advisory board under subsections (i) through (k) are payable from the account.

(m) The budget agency shall serve as the staff to the advisory board.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.57.

IC 4-12-5-6

Applications for grants

Sec. 6. A public or private entity or an individual may submit an application to the board for a grant from the account. Each application must be in writing and contain the following information:

- (1) A clear objective to be achieved with the grant.
- (2) A plan for implementation of the specific program.
- (3) A statement of the manner in which the proposed program will further the goals of the Indiana tobacco use prevention and cessation board's mission statement and long range state plan under IC 4-12-4.
- (4) The amount of the grant requested.
- (5) An evaluation and assessment component to determine the program's performance.
- (6) Any other information required by the advisory board.

The advisory board may adopt written guidelines to establish procedures, forms, additional evaluation criteria, and application deadlines.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.58.

IC 4-12-5-7

Cumulative nature of appropriations and distributions

Sec. 7. Appropriations and distributions from the account under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.59.